

Senate Bill No. 10

Passed the Senate August 31, 2006

Secretary of the Senate

Passed the Assembly August 31, 2006

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2006, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend, repeal, and add Section 70301 of, to add Section 70351.5 to, and to add and repeal Section 70324 of, the Government Code, relating to trial court facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 10, Dunn. Trial court facilities.

(1) Existing law requires the Judicial Council, in consultation with the superior court of each county and the county to enter into agreements concerning the transfer of responsibility for court facilities from that county to the Judicial Council. However, neither title to, nor responsibility for, court facilities deemed deficient shall transfer to the state or the Judicial Council, unless provision is made in the agreement for correction of the deficient items. Prior to the completion of the negotiations concerning the transfer of responsibility for court facilities in a building, the state is required to provide for a licensed structural engineer to inspect and evaluate the building for seismic safety, as specified.

This bill would, until January 1, 2010, provide, if responsibility for court facilities is transferred from the county to the state pursuant to a negotiated agreement, and the building containing those court facilities is rated as a “level V seismic rating,” as defined, that the county shall be responsible for any seismic-related damage and injury only to the same extent that the county would be liable if responsibility was not transferred to the state, and the county shall indemnify, defend, and hold the state harmless from those claims, except as specified. The bill would require the county, in the event that seismic-related damage occurs, to either make repairs or provide funds to the state sufficient to make those repairs, as specified. The bill would authorize the county and the Judicial Council to agree on a method to address the seismic issue so that the state does not have a financial burden greater than it would have had if the court facilities initially transferred were court facilities in buildings rated as a level IV seismic rating.

(2) Existing law requires each county to pay to the state the amount that county historically expended for operation and maintenance of court facilities for deposit in the Court Facilities Trust Fund as a source of funding for the ongoing operations and maintenance of court facilities, as specified.

This bill would authorize the California State Association of Counties, the Judicial Council, and the Director of Finance to agree to alternative methods for calculating the county facilities payment amount to be used by any county meeting the criteria set forth in those alternative methods.

The people of the State of California do enact as follows:

SECTION 1. Section 70301 of the Government Code is amended to read:

70301. This chapter shall be known and may be cited as the “Trial Court Facilities Act of 2002.”

As used in this chapter:

(a) “Bonded indebtedness” includes any financial encumbrance, including, but not limited to, bonds, lease revenue bonds, certificates of participation, mortgages, liens, or loans, on a building.

(b) “Building” means a single structure or connected structures. A building may include related structures.

(c) “County facilities payment” means the amount established by Article 5 of this chapter to be paid by a county in partial exchange for relief from the responsibility for providing court facilities.

(d) “Court facilities” consist of all of the following:

(1) Rooms for holding superior court.

(2) The chambers of the judges of the court.

(3) Rooms for the attendants of the court, including, but not limited to, rooms for accepting and processing documents filed with the court.

(4) Heat, ventilation, air-conditioning, light, and fixtures for those rooms and chambers.

(5) Common and connecting space to permit proper and convenient use of the rooms.

(6) Rooms for secure holding of a prisoner attending court sessions, together with secure means of transferring the prisoner to the courtroom.

(7) Any other area within a building required or used for court functions.

(8) Grounds appurtenant to the building containing the rooms.

(9) Parking spaces historically made available to one or more users of court facilities.

(e) “Deferred maintenance” means a backlog of projects that occurs when ongoing maintenance and repair of court facilities or a building is not sustained at an appropriate level in quality, quantity, or frequency to support the designed level of service of the building or special repair projects are not accomplished as needed.

(f) “Historical building” means a building that is identified as a historical building by the county board of supervisors and is either a “qualified historical building or structure,” as defined in Section 18955 of the Health and Safety Code, or is a building eligible for inclusion on the National Register of Historic Places under Section 470a of Title 16 of the United States Code.

(g) “Level IV or lower seismic rating” means a rating of level I, level II, level III, or level IV under the Seismic Risk Table.

(h) “Level V seismic rating” means a rating of substantial risk (level V) under the Seismic Risk Table, using the engineering evaluating criteria that are in effect on September 1, 2005. That rating will not in itself be considered a significant threat to life, safety, or health.

(i) “Maintenance” means the ongoing upkeep of buildings, equipment, grounds, and utilities required to keep a building and its systems in a condition adequate to support its designed level of service.

(j) “Responsibility for facilities” means the obligation of providing, operating, maintaining, altering, and renovating a building that contains the facilities.

(k) “Seismic Risk Table” means the Risk Acceptability Table of the State Building Seismic Program as developed by the Division of the State Architect, as of April 1994, p. II-2.

(l) “Shared use” refers to a building that is used for both court and noncourt purposes.

(m) “Special improvement” means any modification that increases the designed level of services of a building, or a one-time modification of a building that is not expected to be repeated during the lifetime of the building.

(n) “Special repair” means modifications that maintain the designed level of services of a building and does not include a special improvement.

(o) “Unacceptable seismic safety rating” means a rating of either “extensive but not imminent risk” (level VI) or “imminent risk” (level VII) under the Seismic Risk Table.

(p) “Usable space” means space that an occupier of a facility can actually use and may allocate to house personnel and furniture.

(q) “User rights” means the right to exclusive use of the noncommon area within a building allocated to that use as well as shared use of the common areas of the building and the appurtenant grounds and parking.

This section shall remain in effect only until January 1, 2010, and, as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2010, deletes or extends that date.

SEC. 1.5. Section 70301 is added to the Government Code, to read:

70301. This chapter shall be known and may be cited as the “Trial Court Facilities Act of 2002.”

As used in this chapter:

(a) “Bonded indebtedness” includes any financial encumbrance, including, but not limited to, bonds, lease revenue bonds, certificates of participation, mortgages, liens, or loans, on a building.

(b) “Building” means a single structure or connected structures. A building may include related structures.

(c) “County facilities payment” means the amount established by Article 5 of this chapter to be paid by a county in partial exchange for relief from the responsibility for providing court facilities.

(d) “Court facilities” consist of all of the following:

- (1) Rooms for holding superior court.
- (2) The chambers of the judges of the court.

(3) Rooms for the attendants of the court, including, but not limited to, rooms for accepting and processing documents filed with the court.

(4) Heat, ventilation, air-conditioning, light, and fixtures for those rooms and chambers.

(5) Common and connecting space to permit proper and convenient use of the rooms.

(6) Rooms for secure holding of a prisoner attending court sessions, together with secure means of transferring the prisoner to the courtroom.

(7) Any other area within a building required or used for court functions.

(8) Grounds appurtenant to the building containing the rooms.

(9) Parking spaces historically made available to one or more users of court facilities.

(e) “Deferred maintenance” means a backlog of projects that occurs when ongoing maintenance and repair of court facilities or a building is not sustained at an appropriate level in quality, quantity, or frequency to support the designed level of service of the building or special repair projects are not accomplished as needed.

(f) “Historical building” means a building that is identified as a historical building by the county board of supervisors and is either a “qualified historical building or structure,” as defined in Section 18955 of the Health and Safety Code, or is a building eligible for inclusion on the National Register of Historic Places under Section 470a of Title 16 of the United States Code.

(g) “Maintenance” means the ongoing upkeep of buildings, equipment, grounds, and utilities required to keep a building and its systems in a condition adequate to support its designed level of service.

(h) “Responsibility for facilities” means the obligation of providing, operating, maintaining, altering, and renovating a building that contains the facilities.

(i) “Shared use” refers to a building which is used for both court and noncourt purposes.

(j) “Special improvement” means any modification that increases the designed level of services of a building, or a one-time modification of a building that is not expected to be repeated during the lifetime of the building.

(k) “Special repair” means modifications that maintain the designed level of services of a building and does not include a special improvement.

(l) “Unacceptable seismic safety rating” means a rating of either “substantial risk” (level V), “extensive but not imminent risk” (level VI), or “imminent risk” (level VII) under the Risk Acceptability Table of the State Building Seismic Program as developed by the Division of the State Architect, April 1994, p. II-2.

(m) “Usable space” means space that an occupier of a facility can actually use and may allocate to house personnel and furniture.

(n) “User rights” means the right to exclusive use of the noncommon area within a building allocated to that use as well as shared use of the common areas of the building and the appurtenant grounds and parking.

This section shall become operative on January 1, 2010.

SEC. 2. Section 70324 is added to the Government Code, to read:

70324. (a) If responsibility for court facilities is transferred from the county to the state pursuant to a negotiated agreement, and the building containing those court facilities is rated as a level V seismic rating, the following provisions shall apply to the transfer.

(1) Except as provided in paragraph (3), the county shall be responsible for any seismic-related damage and injury, including, but not limited to, damage and injury to real property, personal property, and persons, only to the same extent that the county would be liable for that damage and injury if responsibility was not transferred to the state, and the county shall indemnify, defend, and hold the state harmless from those claims.

(2) Except as provided in paragraph (3), in the event that seismic-related damage occurs to a building containing court facilities for which the county retains liability under this section, the county either shall make repairs to the damage or provide funds to the state sufficient to make those repairs, in order to bring the damaged portions of the building containing court facilities back to the condition in which they existed before the seismic-related event. The county may postpone the making of repairs to the damage or providing funds to the state for those

repairs, if it provides the court, at county expense, with necessary and suitable temporary facilities, subject to the agreement of the Judicial Council.

(3) The county shall not be liable for any damage or injury sustained in a seismic event to the extent the damage or injury is attributable to actions or conditions created by or under the control of the state. The state shall indemnify, defend, and hold the county harmless from any liability resulting from that damage or injury. The state does not have a duty to make changes or repairs to improve the seismic condition of the building.

(4) As part of, or subsequent to, the transfer agreement, the county and the Judicial Council may agree on a method to address the seismic issue so that the state does not have a financial burden greater than it would have had if the court facilities initially transferred were court facilities in buildings rated as a level IV seismic rating.

(b) This section shall not apply to events occurring on or after the earliest of the following dates:

(1) The facilities covered by this section are seismically-rated at any level lower than level V.

(2) The facilities are no longer used as court facilities.

(3) Thirty-five years from the date of transfer of the facilities.

(4) The county has complied with the conditions for relief from liability contained in an agreement pursuant to paragraph (4) of subdivision (a) addressing the seismic issue with regard to the facility, and the agreement has been approved by the Director of Finance.

(c) The provisions of this section shall prevail over any conflicting provisions of this chapter in regard to transfer of responsibility for court facilities in buildings rated as a level V seismic rating.

(d) This section shall not be deemed to impose greater liability on a county for seismic-related damage to third parties other than it would have if the responsibility for court facilities had not transferred to the state.

(e) Nothing in this chapter shall require the transfer of responsibility for court facilities in a building that is rated as a level V seismic rating.

(f) The terms of this section in effect at the time an agreement is executed for transfer of responsibility shall continue to govern

that agreement for transfer, notwithstanding any subsequent repeal of this section.

(g) This section shall remain in effect only until January 1, 2010, and, as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2010, deletes or extends that date.

SEC. 3. Section 70351.5 is added to the Government Code, to read:

70351.5. Notwithstanding any other provision of this chapter, the California State Association of Counties, the Judicial Council, and the Director of Finance may agree to alternative methods for calculating the county facilities payment amount to be used by any county meeting the criteria set forth in those alternative methods. In the absence of an agreement, the other provisions of this article shall apply.

Approved _____, 2006

Governor